

said monoethanolamine.

18. (New) A hair cosmetic formulation, comprising:

(A) a fragrance ingredient comprising cis-3-hexenol; and

(B) monoethanolamine, the amount of cis-3-hexenol in the composition, which is an oxidation hair coloring or hair bleaching formulation, thereby providing the composition with a desirable fragrance.

19. (New) A hair cosmetic formulation, comprising:

(A) a fragrance ingredient comprising cis-3-hexenol in an amount ranging from 0.1 to 50 wt %; and

(B) monoethanolamine, in the oxidation hair coloring or hair bleaching formulation.--

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#### REMARKS

Claims 7-12 have been canceled. Claims 1-3 and 5, 6 and 13-16 and new claims 17, 18 and 19 are active in the case.

#### Claim Amendments

Claim 1 has been amended by limiting the same to monoethanolamine as component (B) of the oxidation-type hair composition. Accordingly, Claims 7-12 no longer are relevant and have been canceled. New claims 17, 18 and 19 have been presented which are similar to Claim 1 except that in Claim 17, the content of cis-3-hexenol is defined in functional terms of an amount which effectively masks the odor of monoethanolamine, while in Claim 18, the amount of cis-3-hexenol is defined as providing the composition with a desirable fragrance. Further, new Claim 19 describes the content of the composition in terms of the range of 0.1 to 50 wt % as disclosed in page 3, lines 3-5 of the specification. Entry of the amended and new

claims into the record is respectfully requested.

#### Prior Art Rejection

In hair dye and coloring formulations, alkaline agents such as monoethanolamine are frequently incorporated therein. However, these components are known to possess objectionable odors and therefore there has been a long standing need to mask the odors which these materials give-off. Accordingly, the objective of the present invention is to provide a hair cosmetic formulation which effectively masks the odors given-off by monoethanolamine that is present in the cosmetic formulation. The effective masking of the odor of monoethanolamine has now been accomplished by the incorporation of a fragrance ingredient in the formulation which comprises cis-3-hexenol.

The claims of the application have stood rejected in view of the disclosure of Sekiguchi et al, U. S. Patent 5,190,747.

Applicants maintain their position as stated of record that the Sekiguchi et al patent is of limited relevance to the present invention as claimed. The patent simply does not disclose oxidation types of hair treatment formulations, and certainly one which is limited to monoethanolamine as an essential alkaline component of such a composition. ( In this regard, applicants do not agree with the statement by the Examiner that the recitation in the claims of an oxidation hair coloring or hair bleaching formulation is simply a use limitation in the claims and therefore can be disregarded. In fact, when the claim specifies an oxidation type of hair treatment composition, it is very clear to one of skill in the art that a certain type or class of hair treatment compositions is specified, i. e., a composition which contains an oxidizing agent. Thus, the limitation implies other significant ingredients of the hair composition, and therefore the limitation can not be regarded as being inconsequential.)

At the closest point of approach to the present invention, the patent discloses hair shampoo compositions which contain the surface active agent of the patent. (Col 8, lines 54 et seq) However, there is no mention of hair dye or coloring compositions therein, and certainly no mention of hair dye or coloring formulations which are oxidation hair coloring formulation or hair bleaching formulations that specifically contain monoethanolamine as an alkaline agent. The patent could not possibly and does not teach how to effectively mask the odor of monoethanolamine in a hair treatment composition. On this basis alone the patent does not anticipate the invention as claimed.

Although the patent contains a disclosure of cis-3-hexenol at column 23, line 62, this compound is only one example of a Fragrance II out of the very long list of fragrances disclosed as Flavor I and Perfume II in Table 15 as a possible component in three of the eight specific liquid detergents disclosed in Table 15! None of these eight liquid detergents are disclosed as specifically containing cis-3-hexenol, and none of these compositions are hair treatment formulations, certainly not of the oxidation type. Even if any of these compositions did contain cis-3-hexenol, none of the compositions contain monoethanolamine. Accordingly, the patent fails to anticipate the invention as claimed in any of its embodiments.

As to the JP-05310543 reference, the same discloses **acid** hair dye compositions and not the oxidation hair coloring or hair bleaching formulations of the present invention which contain alkali. Thus, the hair dye compositions of the reference do **not** contain the monoethanolamine component to which the present formulation embodiments are limited. Whatever odor the composition of the reference masks, it is **not** the odor given-off by monoethanolamine! Moreover, there is no teaching or suggestion of an oxidation hair treatment composition that contains a perfume such as cis-3-hexenol so as to produce a hair formulation that does not have an unpleasant odor. Accordingly, the reference does not teach

or suggest any embodiment of the present invention as claimed.” Although the reference discloses cis-3-hexenol as a **possible** ingredient of the composition, it is not disclosed for its use as an odor masking ingredient, but as an example of a branched alcohol. The odor masking ingredients described by the reference are perfumes which have a musk or amber fragrance and are the likes of Pearlide, Musk ketone and Amber core. Clearly, the ‘543 reference does not teach or suggest the composition as claimed in the present invention.

Although the Lang et al patent discloses an oxidation type of hair dyeing composition, examples of which contain aqueous ammonia, nevertheless, other than the briefest mention of a perfume as a composition excipient at column 8, lines 7, there is no teaching in the patent of the intent of providing an odor masking ingredient which specifically masks monoethanolamine. In this regard, there is **no** teaching or suggestion anywhere in the patent of cis-3-hexenol as the specific odor masking fragrance of a hair treating composition that contains monoethanolamine as an alkali agent. Accordingly, the Lang et al patent does not teach or suggest the present invention.

Finally, as to the Fragrance Journal publication, the same discloses a hair treatment formulations that may contain one of the specific fragrance ingredients mentioned in Table 3 of the document. Cis-3-hexenol is mentioned as a fragrance. However, in view of the formulation of Table 2 of the document, the reference only seems to teach the use of fragrances in compositions containing ammonia as an alkali agent. There is no teaching or suggestion of an oxidation-type of hair treatment formulation that contains specifically only cis-3-hexenol as a fragrance which masks the odor of monoethanolamine as an alkali agent in the composition.

It is now believed that the application is in proper condition for consideration on its merits.

Respectfully submitted,

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MARKED-UP COPY OF PRELIMINARY AMENDMENT

IN THE CLAIMS

Please amend Claim 1 as follows:

--1. (Amended) A hair cosmetic formulation, comprising:

(A) [of] a fragrance ingredient comprising cis-3-hexenol; and

(B) [at least one ingredient selected from the group consisting of ammonia,  
monoethanolamine [and an aromatic alcohol penetration promoter,] in an oxidation hair  
coloring or hair bleaching formulation.--

Please cancel Claims 7-12.

Please add the following new claims.

Claims 17 to 19. (Newly Added)